HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 5230 of 2007

DATED: 15-03-2007

Between:

J.Siva Sankar

…Petitioner

and

Vigilance and Enforcement Inspector
(CSD), Tirupathi and others

…Respondents.

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 5230 of 2007

ORAL ORDER:

The impugned order is passed by the 3rd respondent directing interim disposal of the specified quantity of the seized commodities. To the extent relevant and material, the order reads as under.

> "The 6-A case report filed by the Enforcement Deputy Tahsildears (CS), Rayachoty, Jammalamadugu, Mill Levy Revenue Inspector, Kadapa and Food Inspector, Rayachoty is examined and it is felt that there is a prima facie case of violation of control orders. Hence, the case is taken on file under Section 6-A of the E.C.Act, 1955 and I hereby order interim disposal of seized stocks pending enquiry under Section 6-A of the E.C.Act, 1955."

In W.P.No.5177 of 2007, this Court recorded a detailed order setting out the analysis why an identical order passed by the District Collector, Adilabad was perverse and bereft of even the minimum standards expected of a regulatory authority under the provisions of the Essential Commodities Act, 1955 (for short 'the Act'). The impugned order herein does not conform to even the minimum standards expected of an authority exercising power and jurisdiction under the provisions of the Act. The order is perverse in the extreme and suffers from gross non-application of mind and is callous and negligent qua the critical statutory functions. The order is quashed. It is however, open to the 3rd respondent to pass an order afresh in exercise of the power, authority and jurisdiction under Section 6-A(2)

of the Act and in the light of the principles spelt out by this Court in the judgment dated 27-2-2007 in W.P.No.3761 of 2007. As the order of the 3rd respondent is grossly perverse, this Court considers appropriate to impose costs of Rs.2,500/- payable by the 3rd respondent to the Member Secretary, A.P. State Legal Services Authority within a period of (30) days from the date of receipt of a copy of this order. It is also open to the State Government to identify the officer and recover the same from the said officer for mulcting the public exchequer from these unavoidable costs which have been imposed in the case for exercising the administrative/quasi judicial power.

The writ petition is accordingly allowed with costs as above at the stage of admission, after hearing the learned Government Pleader for Civil Supplies also. There shall be no order as to costs.

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GODA RAGHURAM, J

15-03-2007
Note
Copy to be furnished to Secretary, A.P.State
Legal Services Authority.
GRR